

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROY TONY SHAW,)	
)	
Petitioner,)	
)	
v.)	1:09CV581
)	1:06CR423-1
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On March 1, 2010, the United States Magistrate Judge's Recommendation was filed (Doc. 57) and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections within the time period prescribed by section 636. (Doc. 59.)

Petitioner then filed a "Motion for Relief from Judgment Denying § 2255 Motion to Vacate Pursuant to Federal Rules of Civil Procedure 60(b)." (Doc. 60.) The Government filed a response (Doc. 66), and Petitioner filed a reply (Doc. 70). The Government also filed a supplement (Doc. 76), and Petitioner filed another reply (Doc. 81). On March 8, 2013, the United States Magistrate Judge issued another Recommendation, which was filed, and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed to this Recommendation within the time limits prescribed by section 636.

The court has reviewed those portions of the March 1, 2010 Recommendation to which Petitioner objected and has made a de novo

determination. Because no objections to the March 8, 2013 Recommendation were filed within the time permitted by section 636, the court need not make a *de novo* review of that Recommendation. The court's review is in accord with both Recommendations, which are hereby adopted.

IT IS THEREFORE ORDERED AND ADJUDGED that Petitioner's "Motion for Relief from Judgment Denying § 2255 Motion to Vacate Pursuant to Federal Rules of Civil Procedure 60(b)" (Doc. 60) be DENIED, that Petitioner's Motion to Vacate, Set Aside or Correct Sentence (Doc. 48) be DENIED, and that this action be DISMISSED WITH PREJUDICE.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder
United States District Judge

March 28, 2013